

Attorney's Docket No.: 16821-005001 / 2000-089-1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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APR 01 2004

Applicant : Murakami et al.

Art Unit : 3626

Serial No. : 09/349,423

Examiner : Robert W. Morgan

Filed : July 7, 1999

Title : VEHICLE SHARING SYSTEM AND METHOD INVOLVING RESERVE
VEHICLES WITH HIGHEST STATE OF CHANGE

OFFICIAL

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450PETITION TO WITHDRAW NOTICE OF ABANDONMENT

Under 37 CFR §1.8(b) and 1.181, applicant hereby petitions to withdraw the Notice of Abandonment mailed March 24, 2004 (copy enclosed). The application was abandoned under 37 CFR §1.135 for failure to respond to the Notice of Improper Request for Continued Examination (RCE) mailed November 10, 2003.

The undersigned, applicant's attorney of record, first became aware of the abandonment on March 26, 2004, upon receipt of the Notice of Abandonment and submits that this petition to withdraw the Notice is being promptly submitted as required by 37 CFR §1.8(b)(1).

The following documents are submitted under 37 CFR §1.8(b)(2) as proof that a Response was timely filed on December 19, 2004:

1. A copy of the Petition to Revive Application under 37 CFR 1.137(b), including an executed certificate of mailing signed by Nancy Grant on December 19, 2003;
2. A copy of the Request for Continued Examination Transmittal, including an executed certificate of mailing signed by Nancy Grant on December 19, 2003;
3. A copy of the Reply to the Office Action mailed April 14, 2003, including an executed certificate of mailing signed by Nancy Grant on December 19, 2003; and

CERTIFICATE OF TRANSMISSION BY FACSIMILE

I hereby certify that this correspondence is being transmitted by facsimile to the Patent and Trademark Office on the date indicated below.

Date of Transmission

Signature

Nancy Grant

Typed or Printed Name of Person Signing Certificate

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4. A copy of the return postcard that was included with the above-referenced documents showing that the documents were received by the U.S. Patent Office mailroom on December 22, 2003.

Applicant submits that the Petition to Revive, RCE and Reply described above were timely filed and requests that the Notice of Abandonment be withdrawn.

Please apply any charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: 4/1/2004


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Attorney Docket No.: 18-005001 / 2000-089-1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Murakami et al. Art Unit : 3626
Serial No.: 09/349,423 Examiner : R. W. Morgan
Filed : July 7, 1999
Title : VEHICLE SHARING SYSTEM AND METHOD INVOLVING RESERVE
VEHICLES WITH HIGHEST STATE OF CHANGE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLYIntroductory Comments:

In reply to the action mailed April 14, 2003, please amend the application as indicated on the following pages. Claims 1-35 are pending, with claims 1, 2, 9, 19, and 35 being independent. Claims 1, 2, 9, 19, and 35 have been amended. No new matter has been added. Applicant asks that all claims be allowed in view of the amendments and remarks contained on the following pages.

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks begin on page 12 of this paper.

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

December 19, 2003

Date of Deposit

Signature

Nancy Grant

Typed or Printed Name of Person Signing Certificate

Serial No.: 09/349,423

Attorney Docket No.: 18021-005001 / 2000-089-1

Amendments to the Claims:

The following listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

1. (Currently amended) A method for determining an order of allocating electric vehicles for use depending on different charge levels of the vehicles, the method comprising the steps of:

~~having a user enter~~ receiving from a user an expected distance of an intended trip a specific, planned trip;

selecting a group of vehicles having charge levels which are adequate for covering said expected distance of ~~an intended trip~~ the specific, planned trip; and

allocating a vehicle having a second highest level of charge in the selected group if there are two or more vehicles in said group.

2. (Currently amended) A method for allocating one or more vehicles from a fleet of electric powered vehicles to one or more users, wherein each vehicle has a state of charge (SOC) at any given time, the method comprising:

receiving a travel request from a user, wherein the travel request includes information concerning a specific, planned trip and the information is usable to determine the SOC necessary for that trip;

selecting a group of one or more vehicles from the fleet, where each selected vehicle has a SOC sufficient to meet the travel request from the user; and

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if the group includes more than one vehicle, then allocating the vehicle having the second highest SOC in the group for the user, and if the group includes only one vehicle, then allocating said one vehicle to the user.

3. (Original) A method as recited in claim 2, wherein said step of receiving a travel request comprises receiving information associated with an expected distance of travel and wherein said step of selecting a group comprises selecting one or more vehicles, each with a sufficient SOC to travel the expected distance.

4. (Original) A method as recited in claim 2, wherein said step of receiving a travel request comprises receiving information associated with an expected time period of use and wherein said step of selecting a group comprises selecting one or more vehicles, each with a sufficient SOC to travel for the expected time period.

5. (Original) A method as recited in claim 2, wherein said step of receiving a travel request comprises receiving information associated with an expected destination port and an expected distance of travel beyond a direct route to the destination port and wherein said step of selecting a group comprises selecting one or more vehicles, each with a sufficient SOC to travel the combined distance of the direct route to the destination port and expected distance of travel beyond the direct route.

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6. (Original) A method as recited in claim 2, further comprising the step of identifying the allocated vehicle to the user.

7. (Original) A method as recited in claim 6, wherein said step of identifying the allocated vehicle to the user comprises displaying identification information to the user on a display device.

8. (Original) A method as recited in claim 2, wherein said step of receiving a travel request comprises:
displaying a map to the user; and
receiving user-selected map locations corresponding to locations on the displayed map through a user-interface associated with the displayed map.

9. (Currently amended) A method for allocating one or more vehicles from a fleet of electric powered vehicles to one or more users, wherein each vehicle has a state of charge (SOC) at any given time, the method comprising:

providing a user-interface terminal at one or more ports;
receiving travel request information from a user at a user-interface terminal and communicating the travel request information to a computer, wherein the travel request includes information concerning a specific, planned trip and the information is usable to determine the SOC necessary for that trip;

operating the computer to select a group of one or more vehicles from the fleet, where each selected vehicle has an SOC sufficient to meet the travel request information from the user;
and

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if the group includes more than one vehicle, then operating the computer to allocate the vehicle having the second highest SOC in the group for the user, and if the group includes only one vehicle, then allocating said one vehicle to the user.

10. (Original) A method as recited in claim 9, wherein said step of receiving travel request information comprises receiving information associated with an expected distance of travel and wherein said step of operating the computer to select a group comprises selecting one or more vehicles, each with a sufficient SOC to travel the expected distance.

11. (Original) A method as recited in claim 9, wherein said step of receiving travel request information comprises receiving information associated with an expected time period of use and wherein said step of controlling the computer to select a group comprises selecting one or more vehicles, each with a sufficient SOC to travel for the expected time period.

12. (Original) A method as recited in claim 9, wherein said step of receiving travel request information comprises receiving information associated with an expected destination port and an expected distance of travel beyond a direct route to the destination port and wherein said step of operating the computer to select a group comprises selecting one or more vehicles, each with a sufficient SOC to travel the combined distance of the direct route to the destination port and expected distance of travel beyond the direct route.

13. (Original) A method as recited in claim 9, further comprising the step of displaying vehicle identification

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information on a display device at the port facility from which travel information is received, identifying the vehicle allocated to the user.

14. (Original) A method as recited in claim 9, wherein: said step of providing a user-interface terminal at one or more ports comprises providing a user-interface at a plurality of ports disposed at geographically remote locations relative to each other;

each port has a vehicle search group (VSG) in which more than one and less than all of the vehicles from the fleet may be located at any given time; and

said step of operating, the computer to select a group of one or more vehicles from the fleet comprises selecting a group from the VSG of the port from which travel information is received.

15. (Original) A method as recited in claim 14, wherein the VSG of any given port includes vehicles parked at a parking facility at the port.

16. (Original) A method as recited in claim 15, wherein the VSG of any given port further includes vehicles due to arrive at the port within a preset time period.

17. (Original) A method as recited in claim 16, wherein the VSG of any given port further includes vehicles due to become sufficiently charged at the port within a preset time period.

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18. (Original) A method as recited in claim 15, wherein the VSG of any given port further includes vehicles due to become sufficiently charged at the port within a preset time period.

19. (Currently amended) A vehicle allocation system for allocating one or more vehicles from a fleet of electric powered vehicles to one or more users, wherein each vehicle has a state of charge (SOC) at any given time, the vehicle allocation system comprising:

one or more ports at geographically remote locations relative to each other, each port having a user-interface terminal for receiving a travel request from a user, wherein the travel request includes information concerning a specific, planned trip and the information is usable to determine the SOC necessary for that trip;

a computer system coupled in communication with at least one user-interface terminal and programmed to respond to a travel request received from a user, for selecting a group of one or more vehicles from the fleet, where each selected vehicle has a SOC sufficient to meet the travel request from the user, said computer system being further programmed to allocate the vehicle having the second highest SOC in the group for the user, if the group includes more than one vehicle and to allocate the vehicle in the group if the group includes only one vehicle.

20. (Original) A system as recited in claim 19, wherein said computer system comprises a central station computer system coupled in communication with a plurality of user-interface terminals at a plurality of said ports.

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21. (Original) A system as recited in claim 19, wherein said travel request comprises information associated with an expected distance of travel and wherein said group comprises one or more vehicles, each with a sufficient SOC to travel the expected distance.

22. (Original) A system as recited in claim 19, wherein said travel request comprises information associated with an expected time period of use and wherein said group comprises one or more vehicles, each with a sufficient SOC to travel for the expected time period.

23. (Original) A system as recited in claim 19, wherein said travel request comprises information associated with an expected destination port and an expected distance of travel beyond a direct route to the destination port and wherein said group comprises one or more vehicles, each with a sufficient SOC to travel the combined distance of the direct route to the destination port and expected distance of travel beyond the direct route.

24. (Original) A system as recited in claim 19, wherein each port is provided with a display device for displaying identification information, identifying an allocated vehicle to a user.

25. (Original) A system as recited in claim 19, wherein each of user-interface terminals comprises a display device for displaying a map to the user and an user/display interface for receiving user-selected map locations corresponding to locations on the displayed map from a user.

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26. (Original) A system as recited in claim 20, wherein:
each port has a vehicle search group (VSG) in which more
than one and less than all of the vehicle from the fleet may be
located at any given time; and

said computer is programmed to select a group of one or
more vehicles by selecting a group from the VSG of the port from
which travel information is received.

27. (Original) A system as recited in claim 26, wherein
each port includes a vehicle parking facility at which one or
more vehicles may be parked at any given time and the VSG of a
given port includes vehicles parked at a parking facility at the
port.

28. (Original) A system as recited in claim 27, wherein
each port includes at least one vehicle charging facility and
the VSG of a given port further includes vehicles due to become
sufficiently charged at the port within a preset time period.

29. (Original) A system as recited in claim 27, wherein
the VSG of a given port further includes vehicles due to arrive
at the port within a preset time period.

30. (Original) A system as recited in claim 29, wherein
each port includes at least one vehicle charging facility and
the VSG of a given port further includes vehicles due to become
sufficiently charged at the port within a preset time period.

31. (Original) A system as recited in claim 19, further
comprising a plurality of vehicle subsystems associated on a
one-to-one basis with the vehicles from the fleet, each vehicle

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subsystem including means for detecting the SOC of its associated vehicle and for transmitting information corresponding to the detected SOC to the computer system.

32. (Original) A system as recited in claim 19, wherein the request includes user identification information and wherein said computer system is programmed to further base the vehicle selection on the user identification information.

33. (Original) A system as recited in claim 32, wherein said computer system includes a storage of vehicle preference information associated with each user identification and is programmed to retrieve from storage vehicle preference information associated with user identification information received from a port terminal and to further base the vehicle selection on the vehicle preference information.

34. (Original) A system as recited in claim 33, wherein the vehicle preference information comprises information from the group consisting of: number of vehicle wheels, number of vehicle doors, preferred minimal SOC or range of SOC's, distance usually traveled, and usual duration of vehicle use.

35. (Currently amended) A method for allocating one or more vehicles from a fleet of electric powered vehicles to one or more users, wherein each vehicle has a state of charge (SOC) at any given time, the method comprising:

receiving a travel request from a user, wherein the travel request includes information concerning a specific, planned trip and the information is usable to determine the SOC necessary for that trip;

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selecting a first group of one or more vehicles from the fleet, where each selected vehicle has a SOC sufficient to meet the travel request from the user;

selecting a second group of N vehicles having the N highest SOCs of the vehicles within the first group, wherein N is a predetermined positive integer greater than 1; and

allocating to the user the vehicle having the highest SOC of vehicles in the second group but not the first group.

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REMARKS

Reconsideration and allowance of the above-referenced application are respectfully requested.

Claims 1-7, 9-24, and 26-35 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Tagami et al. (US 5,812,070, hereinafter "Tagami"). This rejection is traversed.

The claimed subject matter is directed towards a vehicle sharing system and method that involve reserving vehicles with the highest state of charge ("SOC"). Travel information concerning a "specific, planned trip" may be received. The information is usable to determine the SOC necessary for that trip. A group of vehicles with a sufficient SOC to meet the specific, planned trip is selected. From the group of vehicles with a sufficient SOC, the second or N highest SOC vehicle in the group may be chosen.

The information concerning the specific, planned trip may include a distance for the trip, a time period of use, or information about an expected distance of travel beyond a direct route (see, for example, claims 3, 4, and 5).

Tagami teaches a vehicle sharing system that fundamentally differs because Tagami relies upon past usage history to allocate cars. In Tagami, information about a user is stored on an IC card. The past usage history is used to allocate a vehicle with a sufficient SOC. The IC card in Tagami does not include information about a specific, planned trip i.e. information about a single, future trip - where that information is usable to determine the SOC necessary for that trip. Thus, because Tagami does not teach or suggest using information about a specific, planned trip to determine a sufficient SOC for

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allocating vehicles, the present claims, as amended, are patentable in view of Tagami.

In addition, Tagami fails to teach or suggest the limitation of selecting a group of vehicles having sufficient SOC for a specific, planned trip or travel request (see independent claims 1, 2, 9, 19, 35). In Tagami, "the shared vehicle rental system selects a motor vehicle whose battery is not fully charged for a user whose past traveled distance is relatively short" (col. 8, lines 29-32). Tagami does not teach or suggest selecting a group of vehicles having a sufficient SOC.

In addition, Tagami teaches away from the feature of allocating the second highest or N highest SOC vehicle (see independent claims 1, 2, 9, 19, 35). The Official Action mailed March 28, 2001 acknowledges that allocating a vehicle having the second highest or N highest SOC in the group is not a feature disclosed in Tagami (Official Action mailed 3/28/01, pages 3, 13-14). The Official Action further states that it would have been obvious, "to select a vehicle having the second highest (or N highest) charge since the vehicle with the second highest charge still meets the inventive concept of Tagami for selecting a vehicle with a minimum amount of charge, because it would leave the vehicle with the most charge still available which therefore increases the operating efficiency" (emphasis added) (Official Action mailed 3/28/01, page 3).

Vehicles in the claimed subject matter are allocated, such that, out of the group of vehicles that are sufficiently charged, the vehicles allocated tend to be well charged. I.e. a vehicle that is the second highest or N highest charged vehicle in the group of sufficiently charged vehicles will tend to be more charged than vehicles with a mere sufficient amount of

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charge necessary for a trip. Vehicles tend to be well charged in order to increase the battery charging efficiency of the fleet of vehicles, as battery charging efficiency tends to be increased if well charged vehicles are allocated prior to vehicles with a mere sufficient SOC for a trip (see present application, page 13, lines 4-17).

Tagami teaches away from this method of allocating vehicles. In Tagami, vehicles are allocated such that a user with a short past average traveled distance receives a vehicle with a low amount of charge and a user with a long past average traveled distance receives a vehicle with a high amount of charge (Tagami col. 4, line 63 through col. 5, line 16). Thus, the aim of increasing operating efficiency in Tagami appears to be focused on allocating vehicles relative to past usage history. This teaches away from allocating vehicles with the second highest or N highest SOC because vehicles with a second or N highest SOC would not tend to be charged relative to the past usage history. Rather, the vehicles allocated would tend to be well charged; unlike Tagami, well-charged vehicles tend to be allocated before vehicles that are merely sufficient. Thus, Tagami teaches away from the limitation of allocating a second highest or N highest SOC vehicle.

For all of these reasons, the Applicant suggests that claims 1, 2, 9, 19, and 35 are allowable. Additionally, claims 3-7, 10-18, 20-24, and 26-34 are dependent upon independent claims 2, 9, and 19, thus these claims should also be allowable.

Claims 8 and 25 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Tagami in view of Klein et al. (US 5,726,885, hereinafter "Klein"). This rejection is traversed. Because claims 8 and 25 depend on independent claims 2 and 19, respectively, and neither Tagami nor Klein teach or

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suggest using information about a specific, planned trip to allocate vehicles with a sufficient SOC or selecting a group of vehicles having sufficient SOC for a specific, planned trip, these claims should also be allowable.

In view of the above amendments and remarks, therefore, all of the claims should be in condition for allowance. A formal notice to that effect is respectfully requested.

Please apply any necessary charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: 12/17/03


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Attorney's Docket No. 16821-005001	Express Mail Label No.	Mailing Date December 19, 2003	For PTO Use Only <i>Do Not Mark in This Area</i> 
Application No. 09/349,423	Filing Date July 7, 1999	Attorney/Secretary Init JZJ/nsg	
Title of the Invention VEHICLE SHARING SYSTEM AND METHOD INVOLVING RESERVE VEHICLES WITH HIGHEST STATE OF CHANGE			
Applicant Murakami et al.			
Client Reference No. 2000-089-1			
Enclosures ·Amendment/Response (15 pages) ·Check in the amount of \$1330.00 ·Petition to Revive Application Under 37 CFR 1.137(b) Request for Continued Examination (RCE) Transmittal			

Attorney's Docket No.: 16821-005001 / 2000-089-1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Murakami et al. Art Unit : 3626
Serial No. : 09/349,423 Examiner : R. W. Morgan
Filed : July 7, 1999
Title : VEHICLE SHARING SYSTEM AND METHOD INVOLVING RESERVE
VEHICLES WITH HIGHEST STATE OF CHANGE

MAIL STOP PETITIONS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION TO REVIVE APPLICATION UNDER 37 CFR §1.137(b)

Applicant hereby petitions under 37 CFR §1.137(b) to revive the above application, which went abandoned on October 14, 2003 for failure to respond to the Official Action mailed April 14, 2003.

Enclosed is 1) a "conditional" request for continued examination ("RCE"), including an RCE transmittal and a reply to the current Office Action to be considered if this petition is accepted (see MPEP 706.07(h)III.C., regarding the acceptability of a "conditional" RCE), and 2) a check for \$1330 in payment of the petition fee by a large entity as set forth in 37 CFR §1.17(m).

The entire period of delay was unintentional. At the time a response to the Final Office Action was due, prior counsel filed a continued prosecution application ("CPA"). The CPA would have been proper under the MPEP Revised Edition 8 to continue prosecution, as the application was filed before May 2000. However, the prior counsel failed to realize that the CPA practice was completely discontinued for utility patents on July 14, 2003. Subsequent to this, the handling of this case was transferred from the prior patent counsel to the current patent counsel. Once this case was received and fully entered into our docketing systems, we prepared this petition and a proper "conditional" RCE as soon as possible. Thus, the entire delay, from the due date for a response to the Final Office Action, to this filing of a grantable petition was unintentional.

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

December 19, 2003

Date of Deposit

Signature

Nancy Grant

Typed or Printed Name of Person Signing Certificate


Applicant : Murakami et al.
Serial No. : 09/349,423
Filed : July 7, 1999
Page : 2 of 2

Attorney's Docket No.: 16821-005001 / 2000-089-1

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Respectfully submitted,

Date: 12/19/03


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Substitute Form PTO/SB/30 (5-03)

Request For Continued Examination (RCE) Transmittal Address to: Mail Stop RCE Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	Application Number	09/349,423
	Filing Date	July 7, 1999
	First Named Inventor	Murakami et al.
	Group Art Unit	3626
	Examiner Name	Robert W. Morgan
	Attorney Docket Number	16821-005001

This is a Request for Continued Examination (RCE) under 37 C.F.R. §1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 C.F.R. §1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s)
- a. ☐ Previously submitted. If a final Office action is outstanding, any amendment filed after the final Office action may be considered as a submission even if this box is not checked.
- i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
- ii. ☐ Other _____
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☐ Other _____
2. **Miscellaneous**
- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. §1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. §1.17(i) required)
- b. ☐ Other _____
3. **Fee** The RCE fee under 37 C.F.R. §1.17(e) is required by 37 C.F.R. §1.114 when the RCE is filed.
- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 06-1050
- i. ☒ RCE fee required under 37 CFR 1.17(e)
- ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17)
- iii. ☒ Other Any deficiencies
- b. ☐ Check in the amount of \$ _____ enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

SIGNATURE OF APPLICANT, ATTORNEY OR AGENT REQUIRED

Name (Print/Type)	Joseph Julian	Registration No. (Attorney/Agent)	54,780
Signature	<i>Joseph Julian</i>	Date	12/19/03

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Name (Print/Type)	Nancy Grant	Date	December 19, 2003
Signature	<i>Nancy Grant</i>		

JCP/JZJ



UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/349,423	07/07/1999	HIROSHI MURAKAMI	16821/0530/ 31030-70501	6603
EXAMINER				
MORGAN, ROBERT W				
ART UNIT		PAPER NUMBER		
3626				

20985 7590 03/24/2004
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MAR 26 2004
FISH & RICHARDSON, P.C.
SAN DIEGO

DATE MAILED: 03/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PREVIOUSLY
DOCKETED

Notice of Abandonment

Application No.

09/349,423

Examiner

Robert W. Morgan

Applicant(s)

MURAKAMI ET AL.

Art Unit

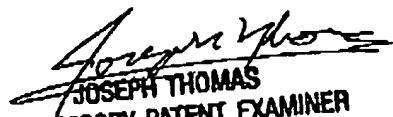
3626

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address—

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 14 April 2003.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection. (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☒ The reason(s) below:

There was no response to the Non-compliant letter mailed 11/10/03 stating that the CPA filed 10/14/03 was improper.


JOSEPH THOMAS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

Notice of Abandonment

Part of Paper No. 26